

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

ACIMA DIGITAL, LLC, *et al.*,

*Plaintiffs*

v.

CONSUMER FINANCIAL PROTECTION  
BUREAU, *et al.*,

*Defendants.*

Case No. 4:24-cv-00662-SDJ

**DEFENDANTS' NOTICE OF RECENT DEVELOPMENT  
IN RELATED DISTRICT OF UTAH ACTION**

Defendants the Consumer Financial Protection Bureau and Rohit Chopra (collectively, the CFPB) respectfully submit this Notice to inform the Court of a recent development in the CFPB's civil law enforcement action against Acima Digital, LLC, Acima Holdings, LLC, and Aaron Allred (collectively, Acima) pending in the District of Utah.

Acima requested that the District of Utah transfer the CFPB's enforcement action to Texas or, in the alternative, stay it pending this Court's resolution of Acima's declaratory judgment suit pursuant to the first-to-file rule. On December 2, 2024, United States District Judge David Barlow denied both requests. *See Mem. Decision and Order, CFPB v. Acima Holdings, LLC et al.*, No. 2:24-cv-00525-DBB (D. Utah), ECF No. 43 (Attachment 1). Judge Barlow held that Acima's suit in this Court "was an anticipatory suit that does not warrant application of the first-to-file rule." *Id.* at 6. He also held that there was no other basis to transfer or stay the CFPB's enforcement action.

As a result, the District of Utah enforcement action is proceeding. Acima's response to the CFPB's complaint is currently due on December 16.

DATED: December 3, 2024

Respectfully submitted,

SETH FROTMAN  
General Counsel

STEVEN Y. BRESSLER  
Deputy General Counsel

KRISTIN BATEMAN  
Assistant General Counsel

s/ Joseph Frisone  
DERICK SOHN  
JOSEPH FRISONE  
Senior Counsel  
Consumer Financial Protection Bureau  
1700 G St., NW  
Washington, DC 20552  
[Derick.Sohn@cfpb.gov](mailto:Derick.Sohn@cfpb.gov)  
[Joseph.Frisone@cfpb.gov](mailto:Joseph.Frisone@cfpb.gov)  
(202) 435-7873 (Sohn)  
(202) 435-9287 (Frisone)